

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Dennis Gromov

Plaintiff,

v.

Case No.: 1:22-cv-06918

Honorable Franklin U. Valderrama

Belkin International, Inc.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, October 12, 2023:

MINUTE entry before the Honorable Gabriel A. Fuentes: The Court appreciates the frustration plaintiff has expressed in its motion to compel deposition discovery and date confirmations (doc. #[57]), but plaintiff's Local Rule 37.2 compliance again falls short. It is apparent that various email exchanges took place between counsel over these issues, but plaintiff's attempt to set up a telephonic conference of the type required by Local Rule 37.2 apparently consisted only of an email on the morning of 10/12/23, stating: "Depositions. Is any Belkin lawyer willing to get on the phone and work this out today? Rather than emailing about it, we could get on the phone now and work it out." Motion to Compel, Exh. B (doc. #[57-2]). When plaintiff apparently did not receive an immediate response to that email, plaintiff filed the motion to compel later that same morning. Moreover, the email exhibit indicates that counsel for the parties had fairly substantial discussions, by email, about deposition scheduling. Plaintiff chose simply to run to court with another motion before attempting to bring those discussions to a conclusion. An unanswered email asking for a phone conference followed by a discovery motion a few hours later is not a sufficient attempt to resolve issues like these. The motion is denied without prejudice for failure to comply with the rule, as plaintiff has not established that the telephonic conference could not be had through no fault of plaintiff's own. The Court now will simply ORDER the telephonic (or in person) discovery conference to take place no later than 10/20/23, and a motion to compel, if still necessary, may be filed on deposition scheduling no later than 10/25/23. But the selection of deposition dates ought to be the kind of issues on which reasonable counsel reach agreement. Mailed notice. (lzk,)

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